

R.W. THORPE & ASSOCIATES, INC.

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PRINCIPALS:

Robert W. Thorpe, AICP, President
Stephen Speidel, ASLA, Of Counsel

ASSOCIATES:

Barbara Baker, AICP
Lindsay Diallo
Lee A. Michaelis, AICP

June 11, 2009

Planning Commission
City of Tukwila
6200 Southcenter Boulevard
Seattle, WA 98188

RECEIVED
JUN 11 2009
COMMUNITY
DEVELOPMENT

RE: Comments on the Tukwila Urban Center Plan for Southcenter

Dear Members of the Planning Commission:

On behalf of the Desimone Trust, we respectfully request that the Planning Commission take into consideration the following comments as part of their deliberation, prior to making a final decision on the Tukwila Urban Center Plan. These comments and recommended changes are a follow up to our letter of April 23, 2009 addressed to the Planning Commission. Following the submittal of that letter to the Planning Commission, members of the Trust and I met with city staff to discuss our options in moving forward with the Urban Center Plan by proposing changes that would assist in mitigating the impacts created by the proposed regulations. The following recommendations are revisions to the original concerns we had with the proposed Urban Center Plan.

As you are aware, the Desimone Trust is the owner of the property located at 16401 West Valley Highway; the former location of the Barnaby's restaurant. The building on the property currently sits vacant and the property owners are actively searching for a new tenant. The firm of R.W. Thorpe & Associates, Inc. has been requested to analyze the impacts on the property that may occur following the adoption of the proposed Tukwila Urban Center Plan in addition to the ongoing update of the Shoreline Master Program (SMP). These two regulations combined may have substantial impacts on the search for a new tenant for the vacant building and the future redevelopment of the property. Based on our review of the two sets of proposed regulations, we are providing the following comments and recommended changes where appropriate. The topics of discussion in this letter follow the same topics as outlined in our April 23, 2009 letter with changes that have resulted from our discussions with city staff. Following the topics are additional changes we would like to propose to the Urban Center Plan. To the best of our ability we have provided each section in a strike through underline format with a purpose for these changes. If we inadvertently missed other sections of the regulations that would conflict with what we proposed, we ask that city staff make all necessary changes to achieve the intent we have detailed.

EXHIBIT 18 DATE 6/11/09
PROJECT NAME TUC Plan
FILE NO 109-008

REMOVAL FROM THE TUKWILA URBAN CENTER PLAN.

Our original recommendation was to remove the subject property as well as the property to the south from the Urban Center Plan. Following our very positive discussions with Nora Gierloff, Deputy Director, we are convinced that the property would be better served by remaining within the Urban Center Plan boundaries. This conclusion was made with the understanding that the following recommended changes will be considered by the Planning Commission and hopefully implemented into the next draft of the Urban Center Plan.

NON-CONFORMING USE AND STRUCTURE

As proposed, the Tukwila Urban Center would cause the existing structure and the intended use of the building as a restaurant to become non-conforming. The Use Standards Chart on Page 19 of the Tukwila Urban Center Plan lists restaurants as a permitted use only if it is located within a Neighborhood Center. **Because this is a stand alone restaurant the proposed regulations cause the use to be nonconforming.** These regulations also state that all buildings need to be oriented toward the Green River even with substantial alterations to the existing building. These regulations create a number of concerns not just for this property, but for all property owners along the Green River. All structures that have the L5 qualifier noted on Page 19 become nonconforming and would need to comply with the new nonconforming regulations. This property is unique in that it is bounded on three sides by the waterfront corridor, the boulevard corridor, and a commercial corridor. Following the intent of orienting the buildings to the water means that any new structure on this property is required to provide public entrances on all three sides. **These two proposed regulations cause the use and the structure to be nonconforming.**

To assist the property owners in their ability to attract new tenants, the following are our recommend changes to the Orientation: 18.28.000 and Development Standards: 18.28.010 sections of the proposed regulations. The page and section listed are references to those page and sections of the Urban Center Plan.

Page 14: Section 4.a.i-Substantial Alteration

"Substantial alteration of an existing structure shall require compliance with all of the standards and regulations of this chapter unless a substantial alteration is specifically allowed by other regulations of this chapter or by other regulations adopted by the City of Tukwila".

The purpose of the recommendation is to allow alterations that are consistent with the proposed SMP regulations, which allow alterations to nonconforming structures. Allowing these types of alterations for other properties outside of the Urban Center appears to be arbitrary and creates an economic hardship on properties that are currently vacant due to the economic market.

Page 14: Section 5.a.i-Change in Use/Intensification

"Any application involving a change ~~in~~ to a more intensive use to an existing structure or premises, as determined by the DCD Director, shall comply with the following regulations:"

This recommended change would allow a property owner to change uses to a less intense use or one determined to have the same level of intensity without complying with the regulations of the proposed Urban Center Plan. This proposed change assists vacant property owners in

providing a greater number of permitted uses during a time when redevelopment of property is not economically viable.

Page 14: Section 10.a.iii-Shoreline Master Program

"Where there is a conflict between these subarea regulations and the Shoreline ~~regulations, the more stringent regulations~~ Master Program, the regulations of the Shoreline Master Program shall apply."

This change is being proposed because it is in the best interest of the Desimone Trust, as well as other properties along the Green River, to have the SMP regulations take precedence over the Urban Center Plan with regards to alterations of nonconforming structures and the regulations regarding continuance of existing nonconforming uses. The proposed change provides flexibility in allowing other permitted uses and alterations, where the current regulations are too strict.

Page 15: Figure 18.28.03 Conformance with Development Code

EXTERIOR ALTERATIONS-(3rd Row of the Chart) Typical Projects exceeding 5 percent of the structures assessed value are required to comply with **Building Orientation** and **Private Frontage Types** requirements. This would require the building be oriented towards the river or Strander Boulevard if improvements exceed 5 percent of the building's assessed value.

It is our recommendation that the **CONFORMITY 'X'** be removed from these two columns in the chart. The deletion of this requirement would allow the building to be oriented in its present location if improvements exceed 5 percent

Page 15: Figure 18.28.03 Conformance with Development Code

"SUBSTANTIAL ALTERATIONS (5th Row of the Chart) - Any repair, reconstruction, rehabilitation, or other improvements to a structure (unless the work is covered under the exception section of the chapter**) when the combined costs stated on all submitted City permit applications within any rolling 2 year period exceeds 50% of the replacement value of the building or structure either before the start of construction or, if the structure has been damaged and is being restored, before the damage occurred, shall require compliance with all of the regulations of this chapter unless a substantial alteration is specifically allowed by other regulations of this chapter or by other regulations adopted by the City of Tukwila."

The purpose of the recommendation is to allow alterations that are consistent with the proposed SMP regulations, which allow alterations to nonconforming structures. The proposed SMP regulations should take precedence since it is a city wide regulation that should be applied equally to all properties.

Page 15: Figure 18.28.03 Conformance with Development Code

"CHANGE IN TO A MORE INTENSE-USE (6th Row of the Chart)- in Building or premises."

This recommended change would allow a property owner to change uses to a less intense use or one determined to have the same level of intensity without complying with the regulations of the proposed Urban Center Plan.

Page 19: Use Standards Chart

Remove the L1 and L5 footnotes from the **Restaurant Use**, which would eliminate the requirement that a restaurant must be located in a Neighborhood Center and that it must be oriented towards the Green River in the TOD River Zone.

This would allow the Barnaby Restaurant to remain as a permitted use. An alternative to building orientation to the river, a recommended change could be to require pedestrian open space or plaza space/outdoor patio be oriented towards the river.

In addition to the above mentioned use, the following uses are being proposed as 'P'-Permitted Uses within the TOD River Zone. It is our recommendation that all these uses be allowed as freestanding uses and not be required to be part of a Neighborhood Center or strictly oriented in a certain direction. It is important to include that a sit down restaurant have the ability to serve cocktails in conjunction with the restaurant use. This will assist the current property owners in finding a tenant for the existing building and it will attract additional tenants to a future building on this site.

Animal Veterinary (Remove the L2 designation)

Automotive Services

gas, outside pumps allowed;

washing;

body and engine repair shops (enclosed within a building).

Beauty and Barber Shops

Bicycle Repair Shops (Remove the L2 designation)

Brew Pubs

Copy Centers

Financial (Remove the L2 designation)

Banking

Mortgage

Other services

Fix it, radio or television repair shops/rental shops

Internet Data/Telecommunication Centers

Laundries

Self Service

Dry Cleaning

Tailoring, dyeing

Offices

Administrative

Commercial

Insurance

Real Estate

Outpatient emergency medical and dental

Recreational Facilities (such as athletic and or health clubs)

Restaurants including;

Drive in and drive-through facilities

Sit down

Cocktail lounges in conjunction with a restaurant

Retail Sales

Automotive parts and accessories

Books and Magazines

Computer sales and repair

Consumer Electronics

Crafts and Crafts Supplies

Flowers and Plants

Furniture and Appliances

Health and Beauty Aids

Housewares

Jewelry

Liquor

Lumber/Building Materials

Notions

Photo Equipment and Film Processing

Prescription Drugs

Shoes

Small scale Specialty goods and foods

Sporting goods and similar items

Stationary

Schools and Studios for education and self improvement

Self Storage

Studios for art, photography, music, voice and dance

HEIGHT LIMITATIONS

The height regulations for this property are inconsistent between the proposed Tukwila Urban Center Plan and the proposed SMP Update. The proposed SMP has a height restriction of 45 feet in the area between the 100 foot buffer and the 200 foot Shoreline jurisdiction boundary. The Urban Center Plan has a height limit of 15 feet for that area 125 feet from the Ordinary High Water Mark. These regulations are found on Page 26 of the Urban Center Plan (Section 18.28.032). This effectively eliminates the potential for redevelopment in the center of the subject property.

It is our recommendation that the Tukwila Urban Center Plan be consistent with the proposed SMP update with regards to height restrictions. The following proposed changes would achieve consistency.

Page 21: Scale Standards Chart

Regulation

Scale Zone: General Urban Standards

18.28.032: Special Height Limits

Urban River Edge

1) Within ~~125 feet of OHWM~~ River Buffer

See SMP Section 9.3 for height standards
15 ft max

2) Between ~~125~~ River Buffer and 200 feet of OHWM

See SMP Section 9.3 for height standards

Page 26: Section 5) Urban River Edge Limit**"5) Urban River Edge Limit**

- i) This Special Height limit has two zones.
 - (1) Zone 1: All development located within ~~125 feet of the Ordinary High Water Mark (OHWM)~~ River Buffer Setback lines indicated on Figure 18.28.012 Scale Map.
 - (2) Zone 2: All development located between ~~125 feet~~ the River Buffer and 200 feet from the OHWM Setback lines indicated on Figure 18.28.012 Scale Map.
- ii) The maximum height within these zones shall be as specified by Section 9.3 of the Shoreline Master Plan. (Current proposal is 15 feet in the first ~~125-100~~ feet and 45 feet from 125 to 200 feet from OHWM, with some bonus height for provision of public access.)

The purpose of adding the language 'River Buffer' instead of 125 feet of OHWM is that the buffer for this property is 100 feet; but more importantly the property owner may reduce that buffer if the river bank is re-sloped to a 2.5:1 slope. The term River Buffer is used in the SMP to mean the established buffer whether it is 100 feet or reduced through grade changes. The Height Restrictions of the Urban Center must be consistent with the SMP.

PUBLIC ACCESS (URBAN WATERFRONT CORRIDOR)

It is our opinion that requirement for an esplanade along the east side of the Green River is extremely burdensome on this property and its use would be very limited.

Page 22: Figure 18.28.013 Form Map**Urban Waterfront Corridor**

The recommendation is to remove the property from the Urban Waterfront Corridor designation. The corridor provides sufficient opportunity for pedestrian access if it were to terminate on the east side of the Green River at Strander Boulevard and then continue only on the west side of the Green River south of Strander Boulevard. There appears to be no need for this small portion of river front property to provide the riverwalk. The riverwalk, if it were constructed along this property would connect to West Valley Highway which is not within the Urban Center Plan. The designation on the west side of the river meets the intent of providing a public walkway along the river and it continues south through the entire Urban Center area.

OTHER PROPOSED CHANGES**Page 23: Form Standards Chart****18.28.041 Building Orientation to Streets/Open Spaces (TUC Boulevard & Urban Waterfront)**

The chart currently requires that any building on the subject property be oriented towards both Strander Boulevard and the Green River. This creates an undo hardship on a property of this size where a future building will not be as large as other corners in the Urban Center. By removing the property from the Urban Waterfront Corridor as recommended above, this would alleviate the hardship. In consideration of other properties that may have similar hardships we recommend that new buildings be required to front **either** Boulevard Corridors **or** the Waterfront Corridor, but not both; this is consistent with the Special Corner regulations found in 18.28.041(3). We also

recommend that the owner and/or developer have the ability to choose which corridor the building would be oriented similar to Corner Parcels.

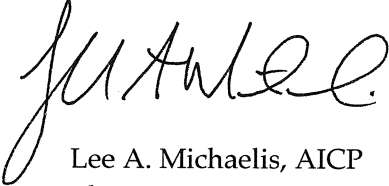
CONCLUSION

In conclusion, it is our professional opinion that, to avoid the development impacts and inconsistencies between the Shoreline Master Program Update and the Tukwila Urban Center Plan and to allow a greater flexibility in uses and design, the proposed regulation changes be implemented into the next Draft of the Urban Center Plan.

We appreciate the opportunity to provide these comments for your review and consideration. If you have any questions and/or comments pertaining to these findings, please do not hesitate to call.

Sincerely,

R.W. Thorpe & Associates, Inc.



Lee A. Michaelis, AICP
Planning Director

CC: Joseph Desimone, Property Owner
Jacqueline Danieli, Property Owner
Catherine Ross
Elizabeth Stultz, BNY Mellon
Nora Gierloff, Deputy Director, Department of Community Development